City of Santa Barbara
California

STAFF HEARING OFFICER
STAFF REPORT

REPORT DATE: August 3, 2011

AGENDA DATE: August 10, 2011

PROJECT ADDRESS: 602 East Sola Street (MST2011-00158)

TO: Susan Reardon, Senior Planner, Staff Hearing Officer

FROM: Planning Division, (805) 564-5470
Renee Brooke, AICP, Senior Planner RLB
Jo Anne La Conte, Assistant Planner JAL

I. PROJECT DESCRIPTION

The 4,000 square foot parcel is currently developed with a two-story duplex and detached two-car garage. The proposed project involves demolition and reconstruction of the two-story duplex with new windows, new exterior materials, interior alterations, and construction of a new stairway, new entry trellis, and a new wall and fence combination.

The discretionary land-use applications required for this project are:

1. Modifications to allow a new wall and fence to exceed 3.5 feet in height within ten feet of the front lot line and to exceed 3.5 feet in height within 50 feet of the street corner (SBMC §§28.87.170 & 28.92.110);
2. A Modification to allow alterations and a new entry trellis to be located within the required front setback along Salsipuedes Street (SBMC §§28.18.060 & 28.92.110); and
3. A Modification of the open yard area requirements (SBMC §§28.18.060 & 28.92.110).

Date Application Accepted: June 23, 2011 Date Action Required: September 23, 2011

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the Modification requests for the over-height wall and fence, and for the alterations and a new trellis within the front setback, and deny the Modification request to reduce the open yard area, subject to conditions.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Architect:	Kent Mixon	Property Owner:	William H. Yule, III
Parcel Number:	029-092-001	Lot Area:	4,000 sq.ft.
General Plan:	Residential, 12 units/acre	Zoning:	R-2
Existing Use:	Two-Story Duplex	Topography:	12% slope

Adjacent Land Uses:

North - Residential
East - Residential
South - Residential
West - Residential

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	Upper Unit – 862 sq. ft.	Upper Unit – 854 sq. ft.
	Lower Unit – 738 sq. ft.	Lower Unit – 746 sq. ft.
Garage	347 sq. ft.	347 sq. ft.
Accessory Space	114 sq. ft.	110 sq. ft.

C. PROPOSED LOT AREA COVERAGE

Building: 1,316 sq.ft.; 33% Hardscape: 845 sq.ft.; 21% Landscape: 1,839 sq.ft.; 46%

IV. BACKGROUND

The existing two-story duplex and garage on site are non-conforming to density and to current setback requirements. The project site is located on the corner of Sola Street and Salsipuedes Street, with access to the garage taken from a private alley. Parking is non-conforming for the duplex with an undersized two-car garage, whereas four parking spaces are now required. A Zoning Information Report (ZIR) dated October 27, 1986, calls out zoning violations for an over height hedge along Salsipuedes Street and for stored items in the garage. Staff has included conditions of approval for the project to address the zoning violations outlined in the ZIR.

V. DISCUSSION

The proposed project involves demolition and reconstruction of the two-story duplex in basically the same footprint with new windows, new exterior materials, interior alterations, and construction of a new rear stairway, new entry trellis for the lower unit, and a new retaining wall and fence combination along Salsipuedes Street. The proposal will not increase the overall floor area or density of the existing development on site. This project was heard at the Architectural Board of Review (ABR) on May 2, 2011, and was forwarded to the Staff Hearing Officer with comments.

Modifications are required to allow the combined height of the new wall and fence to exceed 3 ½' in height within ten feet of the front lot line and within 50 feet of the street corner, to allow alterations within the required front setback along Salsipuedes Street, including a new window and entry trellis, and for a new stairway to be located within the required open yard area.

Fence & Wall

A Modification is required to allow the proposed fence and retaining wall combination to exceed 3 ½' in height within 10' of the front lot line and within 50' of a street corner. The property owner is proposing to remove an existing fence along the Sola Street frontage, expand the flat area at the corner of Sola and Salsipuedes Street by filling the grade to level the yard, remove existing steps, and construct a new retaining wall and fence that will exceed the 3 ½ foot height limitation. The lot is steeply sloped at the front of the property and the grade along Salsipuedes Street drops significantly lower than the sidewalk.

The intent of the fence and hedge height limitation of 3 ½' within 50' of a street corner is to provide vision clearance for drivers approaching intersections. Transportation Operations staff has been to the site and reviewed the proposed plans, and determined that the proposed improvements will not create a visibility issue for vehicles approaching the Sola and Salsipuedes Street intersection. Transportation Staff did request that, as part of this project, any vegetation within 10' of the private alley entrance be reduced to 3 ½ ' in height or less.

The intent of the 3½ foot height limitation on fences and walls within 10' of a front lot line is to provide for a visually open streetscape and front yard area in the residential, C-O and C-X Zones. Because the grade drops significantly at the sidewalk and a barrier is needed to provide adequate safety, staff supports the requested Modifications for the over height fence and wall within ten feet of front property line along Salsipuedes Street.

There is also an existing stacked stone retaining wall and associated guardrail with a combined height ranging from approximately 5 ½' to 8 ½' along the Salsipuedes Street frontage of the property. The applicant has recently advised staff that they may have to rebuild the retaining wall system as part of this project. As the retaining wall and guardrail exceed 3 ½' within 10' of the front lot line, the applicant would like to include re-building the retaining wall system as part of this Modification request, so that they may be rebuilt to their existing non-conforming height to comply with building codes. However, if any portions of the retaining wall or guardrail are located in the public right-of-way, Public Works review and approval is required and a condition has been included to that effect.

Front Yard

The existing residence is non-conforming to the front setback at Salsipuedes Street with original development being constructed at approximately 5' from the property line. Proposed alterations to the residence within the required 20-foot front setback require Modification approval and include relocating a window on the first floor of the dwelling and a new rear entry trellis to replace an existing awning. Staff supports the request and understands the benefits of relocating the window to accommodate the revised floor plan for the dwelling and for replacing the metal awning with a new entry trellis for a visual improvement to the architecture. The current residence does not have a strong street presence from Salsipuedes Street and the new

entry trellis would improve that situation. It is Staff's position that the improvements are minimal and would allow for appropriate improvements, without anticipated impacts to the neighbors.

Open Yard

The required open yard area for this property is 1,250 square feet with 20-foot minimum dimensions. The existing open yard is non-conforming at 1,118 square feet. The proposal includes relocating a stairway in the rear yard, which will reduce the open yard to 1,098 square feet. The required finding for an open yard Modification is that it is necessary to secure an appropriate improvement. It is staff's position that a separate entrance is already provided for each dwelling unit on the property and the additional proposed stairway to enter and exit the upper dwelling unit is not necessary because it is not required by the 2010 California Residential Code. Therefore, Staff does not support the Modification request to relocate the stairway in the required open yard area as it would result in a reduction of the already non-conforming open yard area.

VI. FINDINGS AND CONDITIONS

The Staff Hearing Officer finds that the Modification to allow the over-height fence and wall combination is necessary to secure an appropriate improvement and meets the purpose and intent of the ordinance. The proposed fence and wall heights are necessary to secure development on the site due to slope conditions and do not create visual obstructions or safety concerns in their proposed locations.

The Staff Hearing Officer finds that the Modification to allow window alterations and a new entry trellis in the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The relocated window and new entry trellis provide architectural improvements to the existing South elevation, allowing for an improved design, without impacts to adjacent neighbors.

The Staff Hearing Officer finds that the modification to allow a new stairway to encroach into the required open yard is not consistent with the purposes and intent of the Zoning Ordinance and is not necessary to secure an appropriate improvement on the lot. The new stairway is not required per the 2010 California Residential Code, is not necessary to enter or exit the residence and the relocation of the stairway would reduce the already non-conforming open yard area.

Said approval is subject to the following conditions:

1. The stored items shall be removed from the garage and the garage shall be accessible for the parking of two vehicles at all times.
2. Any vegetation within 10' of the private alley entrance shall be reduced to 3 1/2' feet in height or less.
3. Any work proposed in the public right-of-way shall be reviewed and approved by the Public Works Department.

Exhibits:

A. Site Plan (under separate cover)
B. Applicant's letter, dated June 23, 2011
C. ABR Minutes dated May 2, 2011

Contact/Case Planner: Jo Anne La Conte, Assistant Planner
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Phone: (805) 564-5470 x3320

KENT MIXON
architect

RECEIVED
JUN 23 2011
CITY OF SANTA BARBARA
PLANNING DIVISION

Applicant: Kent Mixon Architect
2820 Foothill Road
Santa Barbara, CA 93105

June 23, 2011

Staff Hearing Officer
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102

Re: Modification Request for 602 East Sola; APN: 029-092-001, Land Use Zone: R-2

Dear Staff Hearing Officer,

This property contains an existing duplex of (1,600 sf), with detached two-car Garage. The property is located at the corner of Sola and Salispuedes Streets. The house currently encroaches into both front yard setbacks. The existing Garage currently encroaches on the interior yard setbacks. All buildings have permits according to the City building files. The proposal is to repair and remodel the existing structure with new windows, new plumbing, new electrical, new siding, new foundation, new roofing and new landscaping to rehabilitate this structure in a fashion that respects and adheres to the bungalow architecture of the neighborhood.

The structure is two stories and the front elevation faces Sola Street. The elevation that faces Sola Street presents itself as single story. The property and sidewalk fall toward the rear of the property and the lower floor opens to grade on three sides

Our proposed project is requesting three modifications.

The first Modification request is to allow a (+36") picket fence on top of a (+42") retaining wall in the front yard setback. The existing condition and configuration where the retaining walls are proposed on the property is best described in photos and drawings (attached), but is essentially replacing the stairs and paving that currently exist at the front corner of the property. Due to the configuration of the existing City sidewalk and the fall of the grade on our property, a retaining wall is necessary, in place of the stairs.

With exception to a small portion of area that retains the front yard along

EXHIBIT B

Salispuedes Street (24" maximum height) the terraced retaining walls run perpendicular to the sidewalk, step into the property and the greatest portion of the retaining walls are below the grade of the existing sidewalk and away from the public view. The retaining walls are mainly seen from within the property at the lower level as they run perpendicular to the sidewalk and the face of the building. The portion of picket fence and retaining wall that in combination are greater than 42" is located at the upper most retaining wall, in line with the front wall of the house. The portion of fence and wall that extend above the sidewalk surface is (6'6" at its highest point from the grade within the property and approximately 5'0" is exposed at its highest point. The average height is 48" and is as low as 36" at the corner of the sidewalk where no retaining wall is necessary). This is illustrated best on Sheet A3.1 – Proposed South Elevation.

The benefit that the retaining wall and fence provide is first and foremost it removes uneven paving and unsafe stairs that are not necessary, nor desired. The picket fence is a continuation of the existing picket fence that was erected with the neighbor's approval and request and it evokes the character indicative of this neighborhood. With the removal of the paving and unsafe stairs, it allows the property to extend the front yard landscaping to the property line and maintain the front yard elevation, which benefits the neighborhood as it improves the relationship of this development to the street and sidewalk and removes an unsafe condition. The picket fence continues an existing desirable condition, it helps to contain the front yard character, and it serves as a barrier to prevent someone from walking off the retaining wall from within the property. In addition to these items, the retaining walls are almost entirely out of the public view.

A meeting with Transportation staff (Steve Foley) has occurred regarding this proposal and he did not have any issues with the presented proposal.

The second Modification request is to allow the relocation and reconfiguration of windows in the front yard setback along the lower level that face Salispuedes Street. The purpose of the relocation and reconfiguration of windows along this elevation is to accommodate a better internal configuration of the bedroom and allow for a closet in that room that functions well with the configuration within the duplex.

The existing windows and door along the lower elevation account for 61sf. Our proposal removes the door and the resulting proposed windows account for 57sf. The benefit of allowing the change in windows along this elevation, is that it removes a door in the front yard setback, it is a reduction in existing opening size, it provides necessary egress, light and ventilation to the lower level bedroom, and, the proposed windows are located mostly below the surface of the sidewalk, therefore having no impact on surrounding development.

The third Modification request is to allow a trellis like porch covering at the entry door to the lower unit. This modification request was not reviewed by the ABR, but is in response to a request made by them. Currently the entry porch is covered with an aluminum awning. The ABR requested that we replace that awning with a structure more in keeping with the architectural style of the duplex.

The wood trellis we are proposing encroaches into the secondary front yard setback, as that is where the entry door to the lower unit is located. The benefit of the porch structure is that it helps to provide the entry of that unit with a protected covering from rain and sun, and also removes a structure that doesn't match the character of the building or neighborhood as noted by the ABR. The visual impact to the

surrounding community is minimal as the structure itself is minimal in nature and in profile. But, what can be seen is a structure that functions for the inhabitants and is in keeping with the style of architecture and is a continuity of the bungalow character that this neighborhood so strongly possesses, therefore, creating something that blends in and disappears rather than standing out. Please note, the design has not been approved by ABR, so the design could change slightly from what is defined in this proposal to meet the committee's requirements. It is not our desire, nor our intention to make this structure any larger than what is proposed here.

Our fourth Modification request is for an Open Yard reduction as calculated per City directions. For clarification, we are being directed to calculate areas in the yard that are less than 20' measured in one direction. Though we agree that the area in question is useable outdoor area, the definition varies from the Planning Ordinance. However, it has been brought to my attention, to be City policy to allow these areas in Open Yard calculations.

Based on the City interpretation, our revised calculations for Open Yard are as follows...

Existing Open Yard Space is 1118 sf

Proposed Open Yard Space is 1098 sf.

The 20 sf difference is due to the location of the secondary exit stair out of the upper unit into the 10'8 ½" northern sideyard that is now being calculated as part of the open yard space. The Southwestern portion of the stair aligns with the face of the previous structure and therefore does not protrude into the yard any further than the existing structure. It is our feeling that this secondary stair, though not required by code, is a benefit to the safety and convenient function for the residents of the upper unit. For instance, if there is a fire in the upper unit, that blocks access to the front door or the front bedroom window, the only way out of the structure would be through second story windows if the stair was not provided. Although the secondary stair is not required by code, I am sure most people would prefer not to jump from a second story window nor have their children or infants do so. In addition to this, the garage provided is at the rear of the property. Without the rear stair, the tenant in the upper unit will be required to walk from the garage up the sidewalk and around the corner to access the unit from Sola Street. If the convenient access the rear stair provides to the upper unit is removed, on street parking will be promoted. And lastly, the rear stair provides access to the open yard space. It is our feeling that a tenant would prefer to BBQ and have gatherings in the privacy of the back yard. If we do not provide easy access to the back yard from the upper unit, I can see how gatherings and BBQ's will likely occur in the front yard. We believe this is not a situation that would be a benefit to the neighborhood or the community; therefore, allowing the stairs provides a big benefit to the community and convenience and safety to the tenants.

Although I realize that the area calculation for the Open Yard space does not include the area in the secondary front yard setback or under a porch created by the upper unit. This area is useable, is useful and will be used in the back yard as it has historically been used since the development of the property almost 100 years ago. This area is away from neighbors and is below the existing City sidewalk surface. For illustration purposes I have provided further calculations of useable open space.

Existing Open Yard Space, which includes the rear porch and the area in the secondary front yard setback along Salispuedes Street is 1510 sf.

Proposed Open Yard Space, which includes the rear porch and the area in the secondary front yard setback along Salispuedes Street is 1512 sf.

Thank you for reviewing this proposal. Please contact me with any questions.

Regards,

Kent Mixon

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

8. 602 E. SOLA ST **R-2 Zone**

(7:00)

Assessor's Parcel Number: 029-092-001
Application Number: MST2011-00158
Owner: William H.Yule III
Architect: Kent Mixon

(Proposal is to remodel and repair an existing 1,600 square foot two-story duplex. The project involves new windows, exterior siding, roof framing and roof, and interior remodeling including new electrical and plumbing. The height, bulk and scale of proposed is unchanged from original structure. New exterior materials and details will match existing. With exception of rebuilt stair at rear of duplex, the proposed work occurs within the footprint of the existing structure. Staff Hearing Officer review of Zoning Modifications is requested for a fence and wall to exceed 42 inches in height, and window changes within the front setback along Salsipuedes Street.)

(Comments only; project requires environmental assessment and Staff Hearing Officer review of modifications.)

Actual time: 7:42

Present: Kent Mixon, Architect; William Yule, Owner.

Public comment was opened at 7:54 p.m.

Joe Rution: expressed concerns that the project should follow the Special District Guidelines and use appropriate materials.

Cheri Rae: expressed concerns that the project should conform to the Lower Rivera Special Design District Guidelines.

Kellam DeForest: Suggested that HLC review the project located within the Bungalow Haven District.

Public comment was closed at 8:00 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer and return to the Full Board:

1) The proposed modification for fence and wall to exceed 42 inches in height poses no aesthetic impact.
2) The modification for window changes on the south elevation poses no aesthetic impact.
3) Study unifying the fenestration configurations and layouts throughout the house.
4) Match existing detailing character and provide documentation of existing conditions for the Board's comparison.
5) Provide an alternative to the first floor metal awning.
6) Provide a preliminary landscape plan.
7) Provide a preliminary color and materials board.

Action: Rivera/Mosel, 6/0/0. Motion carried. (Sherry absent.)

EXHIBIT C